

CHAPTER 50-02-13 RESIDENT LICENSURE

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50-02-13-01. Definitions. As used in this chapter:

1. "Approved postgraduate training program" means a postgraduate training program approved by the accreditation council for graduate medical education.
2. "Board" means the state board of medical examiners.
3. "Resident" means a person who is enrolled in an approved postgraduate training program.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-02. License requirement. A person may not participate in a postgraduate training program in this state unless that person has first been granted a license by the board.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-02.1. License requirement - Exception. The provisions of section 50-02-13-02 notwithstanding, a resident who is enrolled in a postgraduate training program in another state may complete a rotation in this state without obtaining a North Dakota license if:

1. The out-of-state postgraduate training program is accredited by the accreditation council for graduate medical education;
2. Participation in the North Dakota rotation is an official component of the participant's postgraduate training program;

3. The North Dakota rotation will be completed within ninety days or less; and
4. The participant holds a valid unencumbered license to participate in postgraduate training programs in the state in which the participant's postgraduate training program is located. If that state does not require residents to hold a license, then the individual must obtain a North Dakota license before beginning the rotation in this state.

History: Effective November 1, 2002.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-03. Qualifications. The board may issue a postgraduate training license to an applicant who meets each of the following requirements:

1. The applicant is enrolled in an approved postgraduate training program within the state of North Dakota;
2. The applicant meets all qualifications for permanent licensure except those requirements pertaining to postgraduate training and the examination requirement specified in North Dakota Century Code section 43-17-18; and
3. The applicant has paid the prescribed fee.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-04. Applications. Applications for a postgraduate training license or the annual renewal of a postgraduate training license must be submitted to the office of the board upon such forms as are supplied by the board or otherwise approved by the board. The board may require any applicant to appear for an interview regarding the applicant's qualifications for licensure. The board shall establish a policy setting forth the criteria used in determining which applicants will be required to appear for such interviews.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-05. Scope of practice. A postgraduate training license only authorizes the person receiving that license to practice within the context of an approved postgraduate training program and does not authorize that person to

engage in the private practice of medicine or otherwise practice medicine outside the scope of the postgraduate training program.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-06. Discipline. Individuals who have been granted a postgraduate training license are subject to the board's disciplinary authority as specified in North Dakota Century Code chapters 43-17 and 43-17.1 and a postgraduate training license may be revoked if:

1. The individual to whom that license was issued ceases to be enrolled in a postgraduate training program in this state; or
2. The individual to whom that license was issued engages in the practice of medicine outside the scope of a postgraduate training program.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-07. Period of licensure. A postgraduate training license may, in the discretion of the board, be issued for a period of one or more years. However, in no event shall the license be issued for a period of time exceeding the date on which the applicant is reasonably expected to complete the postgraduate training program for which the license is being issued.

In the event a license is issued for a period of time exceeding one year, the board may nevertheless require the licensee to periodically supply information to the board regarding the licensee's credentials and physical and mental health. Failure to provide that information to the board will constitute a violation of subsection 28 of North Dakota Century Code section 43-17-31.

The board may issue a temporary postgraduate training license to allow the applicant to participate in postgraduate training between the time the application is submitted to the board's office and the time of the next meeting of the board. A temporary postgraduate training license may not be issued if the application file contains significant derogatory information.

History: Effective May 1, 2000; amended effective April 1, 2006.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-08. Reporting requirements. A person holding a postgraduate training license is subject to the mandatory reporting requirements specified in North Dakota Century Code section 43-17.1-05.1. In addition to the requirements imposed under North Dakota Century Code section 43-17.1-05.1, the director

of each postgraduate training program must promptly report the following circumstances to the board's investigative panels:

1. The termination or resignation of a resident for any reason, including poor academic performance.
2. The imposition of sanctions against a resident for reasons other than poor academic performance.

History: Effective May 1, 2000.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18

50-02-13-09. Fees. The fee for a postgraduate training license is twenty-five dollars for each year for which the license is valid. That fee shall be paid in full at the time the license is issued.

History: Effective May 1, 2000; amended effective April 1, 2006.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-17-18